

**CERTIFICATE OF ELECTRONIC
TRANSMISSION**

I hereby certify that this correspondence for Application No. 10/685,768 is being electronically transmitted to Technology Center 3733, via EFS-WEB, on November 6, 2006.

/David H. Brinkman/ 11/6/06
David H. Brinkman, Reg. No. 40,532 Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John F. Otte et al.
Serial No.: 10/685,768
Filed: October 14, 2003
Group Art Unit: 3733
Confirmation No.: 6334
Examiner: Woodall, Nicholas W.
Title: INSTRUMENTS FOR USE WITH IMPLANTS, AND METHODS
Atty. Docket No.: ZMS-MI17US

Cincinnati, OH

November 6, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT
UNDER 35 U.S.C. § 121**

In response to the Restriction Requirement mailed on October 5, 2006, Applicants hereby provisionally elect the claims of Group III, namely claims 51-59, for prosecution on the merits, with traverse, and without prejudice to filing a separate divisional application directed to non-elected claims.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By David H. Brinkman/

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